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— LAW GROUP —

Michael J. Fuller, Jr.

December 2, 2019

**Via Electronic Mail**

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**Re: *In re National Prescription Opiate Litigation*, Case No. 1:17-MD-2804;  
CT2 Deponents and Custodians; Status of Discovery Ruling No. 22  
Productions**

Dear Counsel,

As you know, Special Master Cohen formally opened up discovery in CT2 on October 15, 2019. Upon settlement of the claims pending against certain Defendants in CT1, which includes Cardinal Health, Special Master Cohen ordered all parties to respond to discovery “in the normal course.” More recently, the Court’s CT1B Case Management Order and Recommendation of Remand (Dkt. Nos. 2940 and 2941) make it clear that the Court is retaining jurisdiction to enforce discovery in CT2 and CT1B, with the intent that it occur on an expedited basis.

To that end, in light of the combined discovery requests served on October 22, 2019, as well as other discovery that may be served in CT2, Plaintiffs request that Cardinal immediately begin identifying custodians -- by name, job title, and time period of employment -- from whom documents will be collected and produced, and from whom Plaintiffs may also seek deposition testimony. Among other things, the list should cover all individuals who held pertinent positions during the relevant time period in the geographic scope of CT2.

At a minimum, Plaintiffs request the names of individuals who:

- (1) oversaw and/or carried out any QRA/Supply Chain Integrity/Anti-Diversion functions related to West Virginia, including but not limited to, directors, investigators, compliance

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managers, sales representatives, or other QRA/Supply Chain Integrity/Anti-Diversion associates;

- (2) worked in, managed, supervised, audited, and/or oversaw the distribution of prescription opioids from any distribution center that distributed into West Virginia;
- (3) were responsible for, supervised, managed, directed, or oversaw sales activities related to contacting, developing, meeting with, and/or generating new customers for Cardinal, as well as maintaining Cardinal's existing customers, both independents and chains;
- (4) have knowledge, played a role in, or were responsible for Cardinal Health's relationship with CVS (or any subsidiary) related to any and all agreements/contracts with CVS, including, but not limited to, distribution agreements, Red Oak Sourcing, and/or Caremark;
- (5) have knowledge about what information and documents Cardinal Health obtained from CVS about CVS's SOMS programs and when such information was obtained; and
- (6) were responsible for contacting, meeting with, and conducting new and/or existing customer due diligence, including but not limited to the creation, update, or review of any due diligence forms, as well as any investigation of any new or existing customer regarding potential diversion. This request is intended to cover both retail independent and chain customers in West Virginia, Ohio, and Kentucky.

To avoid any doubt, these categories of custodians are, among other things, responsive to topics in the existing Case Management Orders, as well as Request Nos. 4, 5, and 10, of the combined requests served on October 22, 2019.

In addition to the individuals requested above, Plaintiffs will notice depositions of the following Cardinal employees. Please provide agreeable dates and locations for their depositions.

- Michael Mone
- Linden Barber
- Todd Cameron
- Melissa Schrebe

Finally, Plaintiffs request a status update regarding Cardinal's efforts to produce the materials required by Discovery Ruling No. 22 (Doc. 2576) and Amendment to Discovery Ruling No. 22 (Doc. 2712).

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Sincerely,

*/s/ Michael J. Fuller, Jr.*

Michael J. Fuller, Jr.

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